

David.Butler

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From: David.Butler
Sent: Tuesday, March 18, 2014 1:35 PM
To: 'selliot@elliottlaw.us'; 'lsteinhart@telecomcounsel.com'; 'jbowen@mcnair.net'; 'pfox@mcnair.net'; Edwards, Courtney
Subject: New Horizons - Docket No. 2013-365-C

<http://dms.psc.sc.gov/pdf/matters/5C7A65F4-155D-141F-23AE430E8D1EE1F8.pdf>

Scott:

I am somewhat troubled by the letter linked above from Lance Steinhart, Esquire. First, it seems to assume that the Company already has a Certificate to resell interexchange and local exchange services. Of course, the Commission has yet to vote on this question. Second, it also seems to assume that a Company can simply declare that it is going to provide Voice Over the Internet Protocol services. Obviously, we didn't hear anything about that during the merits hearing. I realize that the regulatory status of VoIP is somewhat unclear, since the Federal Communications Commission has not ruled on whether VoIP is a telecommunications service or an information service. In South Carolina, absent a ruling from the FCC, we have considered it a telecommunications service, subject to the jurisdiction of the Commission. (An example is Time-Warner.) So, the Steinhart letter is problematic, considering the fact that the Company has not yet received a Certificate to provide any telecommunications services in South Carolina. I am open to suggestions from you and the parties as to how this case should proceed from here.

Thanks,

David Butler

Hearing Examiner